

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 2, 2003

IN RE:

**GENERIC DOCKET ADDRESSING
RURAL UNIVERSAL SERVICE**

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**DOCKET NO.
00-00523**

ORDER CONTINUING STAY AND ABEYANCE

This docket came before the Hearing Officer for consideration of the status of the stay and abeyance ordered in the May 5, 2003 *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions* and continued in the July 2, 2003 *Order Continuing Stay and Abeyance* and August 4, 2003 *Order Continuing Stay and Abeyance*.

In the *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions*, the Hearing Officer granted the *Joint Agreed Motion for 60-Day Conditional Stay* filed on April 25, 2003 by the Tennessee Rural Independent Coalition¹ ("Coalition") and BellSouth Telecommunications, Inc. ("BellSouth"). In doing so, the Hearing Officer held that no further action will be taken for sixty (60) days on the *Petition for Emergency Relief and Request for Standstill Order by the Tennessee Rural Independent Coalition* filed on April 3, 2003 or BellSouth's counterclaim filed on April 15, 2003. The Hearing Officer

¹ The Coalition includes the following companies: Ardmore Telephone Company, Inc.; Ben Lomand Rural Telephone Cooperative, Inc.; Beldsoe Telephone Cooperative; CenturyTel of Adamsville, Inc.; CenturyTel of Claiborne, Inc.; CenturyTel of Ooltewah-Collegedale, Inc.; Concord Telephone Exchange, Inc.; Crockett Telephone Company, Inc.; Dekalb Telephone Cooperative, Inc.; Highland Telephone Cooperative, Inc.; Humphreys County Telephone Company; Loretto Telephone Company, Inc.; Millington Telephone Company; North Central Telephone Cooperative, Inc.; Peoples Telephone Company; Tellico Telephone Company, Inc.; Tennessee Telephone Company, Twin Lakes Telephone Cooperative Corporation; United Telephone Company; West Tennessee Telephone Company, Inc.; and Yorkville Telephone Cooperative.

also granted the request of BellSouth and the Coalition to continue to hold in abeyance *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000.*

After receiving updates from the parties evidencing their continued negotiations, the Hearing Officer entered orders on July 2, 2003 and August 4, 2003 extending the stay and abeyance. As per the August 4, 2003 order, the current stay and abeyance period expires on September 2, 2003. In the August 4, 2003 order, the Hearing Officer also directed the parties to file an update by August 25, 2003.

On August 6, 2003, BellSouth and the Coalition filed a letter requesting that the Hearing Officer continue to hold BellSouth's petition for reconsideration in abeyance for an additional sixty (60) days. Given the entry of the August 4, 2003 order, no action was taken on this request.

On August 18, 2003, BellSouth and the Coalition filed an *Update on Status of Discussions with ICOs, BellSouth and CMRS Providers*. In this update, the parties explain that they are continuing to negotiate the terms of interconnection between the Coalition and Commercial Mobile Radio Service ("CMRS") providers. Additionally, the parties explain that they are negotiating the manner in which BellSouth will compensate Coalition members during the negotiations for CMRS-originated traffic that transits BellSouth's network and terminates to a Coalition member end user. The parties expressly reserve their rights to present arguments related to this issue upon expiration of the interim

agreement.² Lastly, the parties conclude by referencing the August 6, 2003 letter, which requests the Hearing Officer hold BellSouth's petition for reconsideration in abeyance for an additional sixty (60) days.

It appears the parties are actively negotiating both the terms of interconnection between Coalition members and CMRS providers and the interim compensation method for CMRS-originated traffic that transits BellSouth's network and terminates to a Coalition member end user. Therefore, the Hearing Officer finds that the request to continue to hold BellSouth's petition for reconsideration in abeyance should be granted. Further, the Hearing Officer concludes that the stay of the Coalition's emergency petition and BellSouth's counterclaim should be continued as well.

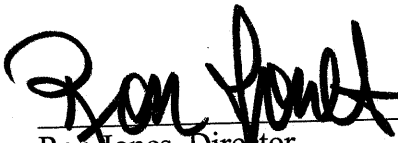
IT IS THEREFORE ORDERED:

1) Unless otherwise ordered, no action will be taken before **Monday, November 2, 2003** on the *Petition for Emergency Relief and Request for Standstill Order By the Tennessee Rural Independent Coalition* filed on April 3, 2003, BellSouth Telecommunications, Inc.'s counterclaim filed on April 15, 2003, and *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000* filed on July 15, 2002.

2) BellSouth Telecommunications Inc. and the Tennessee Rural Independent Coalition shall file by **Thursday, October 30, 2003** an update on the negotiations that

² The parties' previous agreement contained in the April 25, 2003 *Joint Motion for 60-Day Conditional Stay* regarding the manner in which Bellsouth will compensate Coalition members for CMRS-originated traffic that transits BellSouth's network and terminates to a Coalition member end user was limited to a ninety (90) day period.

have occurred, a schedule of any future negotiations, and a statement as to whether a further continuance of the stay and abeyance is necessary.



Ron Jones, Director
As Hearing Officer³

³ See *Order Accepting Petition for Appeal and Appointing Hearing Officer*, 3 (Sept. 17, 2002) (appointing Director Jones “for the purpose of preparing this matter for consideration by the Directors”).